SOUTH PACIFIC DIVISION
U.S. ARMY CORPS OF ENGINEERS

CONTINUING AUTHORITIES PROGRAM

“Section 206 & 1135 Processes”

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Study Initiation

- Sponsor Request
  - after initial coordination with the non-Federal sponsor
  - an initial site visit has been conducted
  - study eligibility has been determined
- Initial Funds Request
  - Study Initiation Fact Sheet (Tab B)
    - PWI#
    - Project Name
    - Org code (SP_)
    - Study Code
  - Local Sponsor's Letter of Request for Assistance

Preliminary Restoration Plan

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- Purpose: PRP used to determine whether continued Federal interest is warranted
- PRP: Scope, outputs, known risk factor
  - 1135 – discussion of existing feature or function being modified, degradation attributed to the project
- PRP Submission Package to DST
  - District Transmittal Memorandum
  - Preliminary Restoration Plan (Tab C)
  - Local sponsor’s letter of intent
  - District PMP Summary (Feasibility Phase)
- DST Review & Approval
  - Review within 2 weeks
  - Comments satisfactory addressed prior to final approval

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Detail Project Report Draft

- Draft DPR (electronic copy, 1 original hard copy)
- District Transmittal Memorandum
  - Draft Detail Project Report
  - NEPA compliance documentation (EA or EIS)
  - CAP Fact Sheet (Tab E)
  - Independent Technical Review Comments & Responses
  - Certification of Technical/Legal Review (Tab I)
  - Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability (Tab O)
- DST Review & Approval
  - Review within 2 weeks
  - Comments satisfactorily addressed prior to final approval

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Detail Project Report Draft EIS

- Draft EIS (If Applicable)
  - SPD approval of the Draft DPR
  - Send 5 copies to file with EPA
  - District will distribute the DEIS
  - 45-day public review period begins on the date that the EPA Notice of Availability is published in the *Federal Register* (ER 200-2-2, 33 CFR Part 230)

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Detail Project Report Final

- Final DPR (electronic copy, 1 original hard copy)
  - District Transmittal Memorandum
  - Detail Project Report
  - NEPA compliance documentation (EA or EIS) (if EIS, provide Draft ROD)
  - CAP Fact Sheet (Tab E)
  - Independent Technical Review Comments & Responses
  - Certification of Technical/Legal Review (Tab I)
  - Assessment of Non-Federal Sponsor's Real Estate Acquisition Capability (Tab O)

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Detail Project Report Final

- DST Review & Approval
  - Review within 2 weeks
  - Comments satisfactorily addressed prior to final approval
- Final EIS (If Applicable)
  - SPD approval of the Final DPR
  - Send 5 copies to file with EPA
  - District will distribute the Final EIS
  - 30-day public review period begins on the date that the EPA Notice of Availability is published in the *Federal Register*

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Detail Project Report ROD

- Record of Decision, ROD (If Applicable)
  - At the end of 30-day comment period
  - DE will answer any comment letters that raise substantive issues not addressed in the EIS
  - Submit two copies of all incoming comment letters (including any responses) & a draft Record of Decision (ROD) to SPD
  - ROD has been signed and project approved, a copy of the signed ROD will be provided to the District and to anyone requesting a copy

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Detail Project Report Termination

- **Decision**
  - there is no Federal interest
  - sponsor has not provided assurances of local support and fiscal capability to proceed
- **Termination memorandum** (Tab J) to SPD DST
  - Reason for terminating the study
  - Funding history by fiscal year
  - Remaining funds for revocation.
- DE will notify when the feasibility study has been officially terminated.
  - Congressional delegation
  - local interests
- Division will inform HQUSACE of the termination.

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P&S PHASE
PCA

- **Request for Funds**
- **No Deviations to Model PCA (2 Copies)**
  - District Transmittal Memorandum
  - CAP Fact Sheet, Tab E
  - Draft PCA
  - CAP PCA Checklist, Tab L
  - Certification of Legal Review, Tab G
  - Letter of Intent from Local Sponsor
    - certifying that it has seen the PCA & understands its provisions
    - expressing its financial and legal willingness
    - ability to execute the PCA. (LOI dated within 12 months)
- **SPD DST will review package within 2 weeks**

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P&S PHASE
PCA

- **Deviations to Model PCA**
  - **District Transmittal Memorandum**
  - **Decision Document w/ EA or EIS (1 Copy)**
  - **Draft PCA (6 Copies)**
  - **CAP PCA Checklist, Tab L (6 Copies)**
  - **Certification of Legal Review, Tab G (6 Copies)**
  - **Letter of Intent from Local Sponsor (6 Copies)**
- **SPD DST will forward package to HQ, Review & Approval ~ estimate 60 days**

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P&S PHASE
PCA

- **PCA Execution**
  - **Decision Document Approval**
  - **PCA Approval**
  - **Project Approval**
  - **Commitment of Construction Funds**
- **Request Funds**
- **Construction**

CAP PROGRAM

- **Sec. 206**, Aquatic Ecosystem Restoration, Water Resources Development Act of 1996 (P.L. 104-303)
  - Project limit $5 mil, Program Limit $25 mil
  - 65% - 35%

Section 1135, Project Modification for the Improvement of the Environment, Water Resources Development Act of 1986 (P.L. 99-662)

- Project limit $5 mil, Program Limit $25 mil
- 75% - 25%

Cost Sharing Requirement

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- Cost Sharing
  - Sect. 206 -35 % (LERRD)
  - Sect. 1135 – 25% (LERRD)
- Work In-Kind
  - Sect.206 – not to exceed 35% with LERDD
  - Sect. 1135 – not to exceed 80% of 25% share with LERDD
- O&MRR&R
  - Sect. 206 – 100% non-Fed
  - Sect. 1135 – 100% non-Fed, (exception – Corps may assume responsibility if Corps own land)

Program

- **Role of DST**
  - Review & Approve all product
- **Role of CAP Manager**
  - Program Management
  - Funding Request
- **Program**
  - IWA - $12 mil ($14 revised), 2101 - $19 mil
  - 206 - $4.2 mil SPD, $39.7 mil
  - 1135's -$7.4 mil SPD, $34.6 mil

  Program - $15 mil SPD, $130 mil
- **Exceeding Project Limit** – OASA (CW)

QUESTIONS ?